

REMARKS

Introduction

Claims 1-47 are pending in this case.

The Examiner rejected claims 1-7, 9-22, 26-37, and 39-45 under 35 U.S.C. § 102(e) as being anticipated by Hendricks et al. U.S. Patent 6,515,680 (hereinafter "Hendricks"). The Examiner rejected claims 8 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Klosterman et al. U.S. Patent 6,469,753 (hereinafter "Klosterman"). The Examiner rejected claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Knee et al. U.S. Patent 6,014,184 (hereinafter "Knee").

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Amendments to The Claims

Pursuant to the Examiner's interview of July 21, 2004, applicants have amended independent claims 1, 7, 11, 17, 21, 34, 37, 39, 42, and 44 to more particularly define applicants' claimed features. In particular, applicants have amended these claims to set forth that the passive television program guide is provided or distributed "over a given television channel." Applicants have amended claims 28, 29, 35, 38, and 43 to replace the terms "replaces" or "replacing"

with the terms "overlays" or "overlaying." Applicants have amended claim 31 to correct typographical errors. No new matter has been added and the amendments are fully supported by the applicants' original specification.

Claims 1-47

The Examiner rejected claims 1-7, 9-22, 26-37, and 39-45 under 35 U.S.C. § 102(e) as being anticipated by Hendricks. The Examiner rejected claims 8 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Klosterman. The Examiner rejected claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Knee. The Examiner's rejections are respectfully traversed.

During the Examiner's interview of July 21, 2004, the Examiner indicated that independent method claims 28-30, 32, and 33 were allowable over Hendricks because Hendricks fails to show or suggest applicants' claimed feature of "providing a passive television program guide . . . over a given television channel." The Examiner further indicated that independent system claims 1, 7, 11, 17, and 21, and independent means claims 34, 37, 39, and 44 would also be allowable over Hendricks if amended to include this feature. Applicants have accordingly amended these claims to state that the passive television program guide is provided or

distributed "over a given television channel." Therefore, applicants respectfully submit that independent claims 1, 7, 11, 17, 21, 28-30, 32-34, 37, 39, 42, and 44 are allowable over Hendricks. Accordingly, corresponding dependent claims 2-6, 9, 10, 12-16, 18-20, 22, 26, 27, 31, 35, 36, 40, 41, 43, and 45 are also allowable over Hendricks. Applicants further submit that dependent claims 8, 18, and 23-25 are patentable at least because the foregoing demonstrates that independent claims 7, 17, and 21, from which claims 8, 18, and 23-25 respectively depend, are patentable.

Therefore, applicants respectfully request that these rejections be withdrawn.

#### Conclusion

Applicants submit that this application is now in condition for allowance. Accordingly, prompt consideration and allowance of this application are respectfully requested.

Respectfully submitted,

Evelyn C. Mak

Evelyn C. Mak  
Registration No. 50,492  
Attorney for Applicants

FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
(212) 596-9000